

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
<b>DEEP MARINE HOLDINGS, INC., <i>et al</i>,</b>	§	<b>Case No. 09-39313</b>
<b>Debtor(s).</b>	§	
	§	
	§	<b>Chapter 11</b>
	§	
<b>DEEP MARINE 1, LLC,</b>	§	
<b>Plaintiff(s)</b>	§	
	§	
<b>VS.</b>	§	<b>Adversary No. 10-3271</b>
	§	
<b>DEEP MARINE LIQUIDATING TRUST</b>	§	
<b>(AS SUCCESSOR TO DEEP MARINE</b>	§	
<b>HOLDINGS, INC., DEEP MARINE</b>	§	
<b>TECHNOLOGY INCORPORATED, DEEP</b>	§	
<b>MARINE 1, LLC, AND DEEP MARINE 2,</b>	§	
<b>LLC), <i>et al</i>,</b>	§	
<b>Defendant(s).</b>	§	<b>Judge Isgur</b>

## COMPREHENSIVE SCHEDULING, PRE-TRIAL AND TRIAL ORDER

A pretrial conference was held on October 18, 2010. The parties submitted a Rule 26 Report:

- A. \_\_\_\_\_ which is attached and is accepted by the Court except as modified by this order; or
- B.   X   which is filed at docket #95 and is accepted by the Court except as modified by this order. Initial disclosures must be completed by November 5, 2010.

Under authority of Fed. R. Bankr. P. 7016 and Fed. R. Civ. P. 16, it is hereby **ORDERED** that the following deadlines and settings shall apply in the above referenced adversary:

1. All discovery in this case must be completed on or before January 14, 2011 as to all trustee issues<sup>1</sup> and on or before March 15, 2011 as to all other issues.
2. The party with the burden of proof on an issue must serve its expert reports no later than 45 days before the discovery deadline as to the matter to which the expert report

<sup>1</sup> The trustee issues include whether the trustee may surcharge collateral, a declaration as to the ownership of the LARS property and the bunkers and lubes, the trustee's claim for ad valorem taxes and proof of claim objections.

pertains. Rebuttal reports must be served not later than 14 days thereafter.

3. Dispositive motions may not be filed after April 15, 2011 as to lien issues and not later than February 15, 2011 as to trustee issues. Any responses to dispositive motions must be filed within 21 days after a dispositive motion is filed.

4. Witness and Exhibit Lists must be exchanged at least 2 working days prior to the face to face meeting required in the following paragraph. Copies of the exhibits shall be attached to the Exhibit List.

5. The parties must jointly prepare and file a proposed form of pretrial order not later 14 days before each trial. The proposed form of order must be signed by counsel for both parties and must be in the form set forth as Appendix C on the Court's website.

6. Copies of exhibits must be attached to the pretrial order. Relevant portions of lengthy exhibits must be highlighted. Counsel must also attach succinct memoranda on disputed issues of law. A courtesy copy of the pretrial order must be delivered to chambers when the pretrial order is filed with the clerk.

7. A Pre-Trial Conference will not be held.

8. Trial of this adversary proceeding as to trustee issues will commence on April 28, 2011 at 9:00 a.m. and is estimated to require 4 hours of trial time. Trial as to all other issues will commence on June 6, 2011 at 9:00 a.m. and is expected to require 14 hours of trial time.

**IT IS FURTHER:**

**ORDERED** that changes to this Scheduling Order may only be made by further order of this Court. A motion to extend any deadline and/or alter any hearing date will only be granted for good cause shown beyond the control of the lawyers and/or parties and only in very limited circumstances.

SIGNED October 18, 2010.

  
Marvin Isgur  
UNITED STATES BANKRUPTCY JUDGE